

Appl. No. : 10/628,847  
Filed : July 28, 2003

### REMARKS

Applicants thank the Examiner for his careful and thoughtful examination of the present Application. By way of summary, Claims 14-33 were and remain pending. In response to the Office Action mailed May 22, 2006, Applicants respectfully request the Examiner to reconsider the above-captioned Application in view of the following comments.

#### The Drawings Comply With MPEP § 608.02(d)

The Office Action objected to the drawings for failing to show "the first lens to pivot relative to the frame between at least first and second positions, wherein the lens provides a first magnitude of light attenuation when the first lens is in a first position and less light attenuation when the first lens is pivoted to the second position." Office Action of May 22, 2006, page 2. New FIG. 3A-1 has been added in the attached Appendix to show the element described above.

The drawing amendments are supported throughout the originally filed specification. For example, at paragraph no. [0055] the originally filed specification states:

Preferably, the lenses 44, 46 are configured to provide variable light attenuation. For example, each of the lenses 44, 46 can comprise a pair of stacked polarized lenses, with one of the pair being rotatable relative to the other. For example, each lens of the stacked pairs can comprise an iodine stained polarizing element. By rotating one lens relative to the other, the alignment of the polar directions of the lenses changes, thereby changing the amount of light that can pass through the pair. U.S. Patent No. 2,237,567 discloses iodine stained polarizers and is hereby expressly incorporated herein by reference. Additionally, rotatable lens designs are disclosed in U.S. Patent No. 4,149,780, which is hereby expressly incorporated herein by reference.

Accordingly, Applicants respectfully submit that no new matter is introduced by the proposed drawing changes and therefore respectfully request the Examiner to withdraw the objection to the drawings.

FIG. 3A-1 was provided in the Response to Office Action of December 14, 2005, but was not entered. The Office Action indicates that new FIG. 3A-1 fails to disclose the claim language provided above. Applicants respectfully request consideration in view of the following.

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Section 608.02(d) of the M.P.E.P. and 37 C.F.R. § 1.83(a) provide (emphasis added):

The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box). In addition, tables and sequence listings that are included in the specification are, except for applications filed under 35 U.S.C. 371, not permitted to be included in the drawings.

Applicants respectfully submit that the features described above are not essential for a proper understanding of the invention, and should be acceptable in their representation of FIG. 3A-1 as illustrated in the form provided (i.e., labeled rectangular boxes). In particular, Applicants submit that a first lens to pivot relative to the frame between at least first and second positions, wherein the lens provides a first magnitude of light attenuation when the first lens is in a first position and less light attenuation when the first lens is pivoted to the second position are features whose detailed illustration is not essential for a proper understanding of the invention. Therefore, Applicants respectfully request entry of FIG. 3A-1 and withdrawal of the drawing objection.

**The Applied Combination of Swab, et al./Bylander Does Not Make Obvious Claims 14-21**

Claims 14-21 stand rejected under 35 U.S.C. § 103(a) as being obvious over Swab, et al. in view of Bylander. Applicants respectfully traverse the present rejection.

Swab, et al. teach eyewear with a transceiver for forming ad hoc networks. However, as admitted by the Office Action, nothing in Swab, et al. teaches or suggests any devices for changing the light attenuation provided by the lenses thereof.

Bylander teaches a variable light attenuation system for eyewear that uses electronically controllable dyes to change the magnitude of the light attenuation; however, nothing in Bylander teaches or suggests that such a system should or could be combined with eyewear that has other electronic systems. Rather, as discussed in the Request for Reconsideration of March 30, 2005 and in the Response to Office Action December 14, 2005, the Office Action relies on improper hindsight reasoning to provide the motivation for combining the references, as will be discussed

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in greater detail below. In addition, there is no indicated expectation of success and even if combined, the combination fails to teach all of the claim limitations.

The Examiner is urged to reconsider the claim rejections in light of the previously-presented arguments. In addition, the Examiner is requested to withdraw the claim rejections in